

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBBIE D. JONES,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1523-JJF
)	
COMMISSIONER STAN TAYLOR,)	
WARDEN RICK KEARNEY,)	
SGT. BARRY BILES, and TEANNA)	
BANKS,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

COME NOW Defendants, by and through undersigned counsel, and respectfully moves this Honorable Court to enter an Order granting an enlargement of thirty days within which to file a response to Plaintiff's Complaint. In support of this motion, Defendants offer the following:

1. On December 16, 2004, Plaintiff filed this Complaint. (D.I. 2).
2. Between March 14, 2006 and March 17, 2006, Defendants signed and returned Waivers of Service with an answer due on May 8, 2006. (D. I. 8, 9, 10 and 11).
3. Defendants will respond with a Motion to Dismiss.
4. Defense counsel anticipated being able to file a Motion to Dismiss with an accompanying Memorandum of Points and Authorities by May 8, 2006. Response to Plaintiff's Complaint requires the collection and review of records. The documents have been requested. However, not all of them have been received as of this date. In addition, an unexpected dramatic increase in caseload with its accompanying obligations and severe time constraints have created the need for more time to review records and draft the Motion to Dismiss.

5. There is no trial date scheduled in this case.

WHEREFORE, for the reasons stated herein, Defendants respectfully requests that the Court grant their Motion for Enlargement of Time and enter an order in the form attached hereto, with the appropriate dates provided at the Court's discretion.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us

Date: May 1, 2006

Attorney for Defendants

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ROBBIE D. JONES,)	
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SGT. BARRY BILES, and TEANNA)	
BANKS,)	
)	
Defendants.)	

ORDER

This _____ day of _____, 2006,

WHEREAS, Defendants having requested an enlargement of time of thirty days in which to file an answer; and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that Defendants' Motion for Enlargement of Time be granted and said Defendants shall file a reply brief on or before _____.

Joseph J. Farnan, Jr., Judge
United States District Court Judge

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BANKS,)	
)	
Defendants.)	

16.5 CERTIFICATE OF COUNSEL

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendants making the request for enlargement of time to file a reply brief files this Certificate and states:

I certify that the Defendants have been provided with copies of the Motion for Enlargement of Time and that service has been sent by regular mail.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE
/s/ Lisa Barchi
Deputy Attorney General
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Wilmington, DE 19801
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lisa.barchi@state.de.us
Attorney for Defendants

Date: May 1, 2006

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BANKS,)	
)	
Defendants.)	

7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. The plaintiff is an inmate incarcerated in the Delaware Correctional system, at the Sussex Correctional Institution, Georgetown, Delaware.
2. Since the plaintiff is not able to be reached by telephone, counsel for Defendants has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes that the motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us

Date: May 1, 2006

Attorney for Defendants

CERTIFICATE OF MAILING AND/OR DELIVERY

I hereby certify that on May 1, 2006, I electronically filed *Defendants' Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. On May 1, 2006, I have mailed by United States Postal Service, the document to the following non-registered participant:

Robbie Jones
SBI # 313356
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
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Attorney for Defendants